

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

OP.No.2665 of 1999(P)

PETITIONER:

M.P.GOVINDAN NAIR, ASSISTANT SUB INSPECTOR
OF POLICE, KUNNATHUNAD POLICE STATION,
PATTIMATTOM P.O., PIN 683 562.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SRI.V.VARGHESE

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY ITS CHIEF
SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.
2. DIRECTOR GENERAL OF POLICE, POLICE
HEADQUARTERS, THIRUVANANTHAPURAM.
3. INSPECTOR GENERAL OF POLICE, SOUTH ZONE,
THIRUVANANTHAPURAM.
4. DEPUTY INSPECTOR GENERAL OF POLICE,
ERNAKULAM RANGE, ERNAKULAM.
5. SUPERINTENDENT OF POLICE,
ERNAKULAM RURAL, ALUA.

BY GOVT. PLEADER SMT.T.B.RAMANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON CMP NO.4504 OF 1999 IN OP NO.2665 OF 1999 P

//DISMISSED//

03.07.2007.

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE MEMO OF CHARGES NO.2/PR/93/CIG DATED 10.6.93 ISSUED TO THE PETITIONER BY THE CIRCLE INSPECTOR OF POLICE, ANGAMALY.

EXT.P2: TRUE COPY OF THE EXPLANATION TO EXT.P1 MEMO SUBMITTED BY THE PETITIONER DATED 2.8.1993.

EXT.P3: TRUE COPY OF THE WRITTEN STATEMENT OF DEFENCE SUBMITTED BY THE PETITIONER DATED 2.3.1994.

EXT.P4: TRUE COPY OF THE ORDER NO.H1/19A/PR/93 ER (DO NO.433/94/ER) DATED 16.12.1994 OF THE 5TH RESPONDENT.

EXT.P4(a): TRUE COPY OF THE PUNISHMENT ROLL MINUTES APPENDED TO EXT.P4.

EXT.P5: TRUE COPY OF THE ORDER NO.A2/43/APPEAL/95/CR DATED 31.10.95 OF THE 5TH RESPONDENT.

EXT.P6: TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P7: TRUE COPY OF THE ORDER NO.A2-14607/96 CZ DATED 22.11.1996 OF THE 3RD RESPONDENT.

EXT.P8: TRUE COPY OF THE G.O.(RT) NO.3423/98/HOME DATED 31.7.1998.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.2665 OF 1999

Dated this the 3rd day of July, 2007

JUDGMENT

The petitioner and others were charge sheeted on allegation that an accused person escaped from the station lockup owing to the carelessness and negligence on their part. Petitioner was then in General Diary charge. The incident led to a joint disciplinary proceedings against different police personnel which led ultimately to judgment dated 9.1.2007 in O.P.No.2678/99, whereby, it has been found that the incident occurred while PCE 6436, Sri.Kareem, was on sentry duty. Having regard to the findings in the said judgment, there is really no reason to proceed against the petitioner and sustain the impugned orders.

In the result, the writ petition is allowed quashing Exts.P4, P5, P7 and P8. Respondents will consider the question as to grant of service benefits as if Exts.P4. P5, P7 and P8 did not govern them.

Sd/-

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.2665 OF 1999

JUDGMENT

3RD JULY, 2007.

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